

022504 13281 U.S. PTO

Attorney Docket: 029300.49991D2

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 C.F.R. §1.53(b)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

22389 U.S. PTO  
10/785042

022504

**Mail Stop PATENT APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request for filing a \_\_\_ continuation or X divisional application under 37 C.F.R. 1.53(b), of pending prior application:

Serial No. 09/907,440

Filed on July 18, 2001

Of Johannes Hebebrand et al.

Entitled: METHOD OF IDENTIFYING COMPOUNDS SUITABLE FOR TREATMENT AND/OR PROPHYLAXIS OF OBESITY

Examiner: R.J. Gitomer

Group: 1651

X 1. Accompanying this order is a new specification that does not contain any subject matter that would have been new matter in the prior application.

Total pages of specification, claims and abstract: 18

   2. New Formal drawings are being filed herewith consisting of \_\_\_ sheet(s), depicting Figures   .

X 3. Declaration and Power of Attorney:

a.    Newly executed (original or copy)

b. X Copy from prior application

i.    Deletion of Inventors - signed statement attached deleting inventor(s) named in the prior application

X 4. Incorporation by Reference:

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 3b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.



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5. Small entity status:
- a. ☐ A small entity statement is enclosed
- b. ☐ A statement of small entity status (copy attached) was filed on ☐ in the prior application and status as a small entity is still proper and desired.
- c. ☐ Is no longer claimed
- X 6. The filing fee is calculated below:

**CLAIMS AS FILED, INCLUDING ANY CLAIMS  
CANCELLED OR ADDED BY PRELIMINARY AMENDMENT**

Basic Fee					<u>\$385</u>	<u>\$770</u>
Total Claims	<u>6</u>	-	20 = <u>0</u>	x	9 = <u>\$00.00</u>	18 = <u>\$00.00</u>
Ind. Claims	<u>2</u>	-	3 = <u>0</u>	x	43 = <u>\$00.00</u>	86 = <u>\$00.00</u>
	<u>Multiple Dependent Claims</u>			+	145 = <u>\$00.00</u>	290 = <u>\$00.00</u>
	Total				<u>\$00.00</u>	<u>\$770.00</u>

- ☐ 7. Please charge my Deposit Account No. 05-1323 (Docket # ☐) in the amount of \$☐.
- X 8. A check in the amount of \$ 770.00 to cover the filing fee is enclosed.
- X 9. The Commissioner is authorized to charge any fee which may be required under 37 CFR 1.16 or 37 CFR 1.17 or credit any overpayment to Deposit Account No. 05-1323 (Docket #).
- X 10. Amend the specification by inserting before the first line the sentence: --This application is a division of application Serial No. 09/907,440, filed July 18, 2001.--
- ☐ 11. Priority of Appln. No(s). ☐, filed in ☐ on ☐, is hereby claimed under 35 U.S.C. 119.
- ☐ 12. A certified copy of each said priority document was filed in application Serial No. ☐ on ☐.
- X 13. The prior application is assigned of record to Solvay Pharmaceuticals GmbH.

X 14. The power of attorney in the prior application is to:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; and Jeffrey D. Sanok, Reg. No. 32,169.

X a. The power appears in the original application papers in the prior application.

— b. Since the power does not appear in the original application papers, a copy of the power in the prior application is enclosed.

— c. Attached is a duplicate of a Supplemental Declaration which was filed in the prior application to overcome informalities.

X d. Address all future correspondence to:

CROWELL & MORING, LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300  
Customer No.

23911


X 15. Copies of Forms PTO-892 and PTO-1449 listing prior art made of record in the prior application are attached. A copy of each of the listed references should be available in the prior application file.

X 16. Return Receipt Postcard.

— 17. Other: —

Respectfully submitted,

February 25, 2004

  
\_\_\_\_\_  
J. D. Evans  
Registration No. 26,269

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